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**SUBSTITUTE SENATE BILL 5124**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl, Roach, Long, Fairley, Hargrove, Haugen and Winsley)

Read first time 02/21/97.

1 AN ACT Relating to assessments for the prostitution prevention and  
2 intervention account; amending RCW 9.68A.105 and 9A.88.120; and  
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.68A.105 and 1995 c 353 s 12 are each amended to read  
6 as follows:

7 (1)(a) In addition to penalties set forth in RCW 9.68A.100, a  
8 person who is either convicted or given a deferred sentence or a  
9 deferred prosecution or who has entered into a diversion agreement as  
10 a result of an arrest for violating RCW 9.68A.100 or a comparable  
11 county or municipal ordinance shall be assessed a two hundred fifty  
12 dollar fee.

13 (b) The court may not suspend payment of all or part of the fee  
14 unless it finds that the person does not have the ability to pay.

15 (c) When a minor has been adjudicated a juvenile offender or has  
16 entered into a diversion agreement for an offense which, if committed  
17 by an adult, would constitute a violation of RCW 9.68A.100 or a  
18 comparable county or municipal ordinance, the court shall assess the  
19 fee under (a) of this subsection. The court may not suspend payment of

1 all or part of the fee unless it finds that the minor does not have the  
2 ability to pay the fee.

3 (2) The fee assessed under subsection (1) of this section shall be  
4 collected by the clerk of the court and distributed each month to the  
5 state treasurer for deposit in the prostitution prevention and  
6 intervention account under RCW 43.63A.740 for the purpose of funding  
7 prostitution prevention and intervention activities.

8 (3) For the purposes of this section, "diversion agreement" means  
9 an agreement under RCW 13.40.080 or any written agreement between a  
10 person accused of an offense listed in subsection (1) of this section  
11 and a court or a county or city prosecutor, or a designee thereof,  
12 whereby the person agrees to fulfill certain conditions in lieu of  
13 prosecution.

14 **Sec. 2.** RCW 9A.88.120 and 1995 c 353 s 13 are each amended to read  
15 as follows:

16 (1)(a) In addition to penalties set forth in RCW 9A.88.010,  
17 9A.88.030, and 9A.88.090, a person who is either convicted or given a  
18 deferred sentence or a deferred prosecution or who has entered into a  
19 diversion agreement as a result of an arrest for violating RCW  
20 9A.88.010, 9A.88.030, 9A.88.090, or comparable county or municipal  
21 ordinances shall be assessed a fifty dollar fee.

22 (b) In addition to penalties set forth in RCW 9A.88.110, a person  
23 who is either convicted or given a deferred sentence or a deferred  
24 prosecution or who has entered into a diversion agreement as a result  
25 of an arrest for violating RCW 9A.88.110 or a comparable county or  
26 municipal ordinance shall be assessed a one hundred fifty dollar fee.

27 (c) In addition to penalties set forth in RCW 9A.88.070 and  
28 9A.88.080, a person who is either convicted or given a deferred  
29 sentence or a deferred prosecution or who has entered into a diversion  
30 agreement as a result of an arrest for violating RCW 9A.88.070,  
31 9A.88.080, or comparable county or municipal ordinances shall be  
32 assessed a three hundred dollar fee.

33 (2) The court may not suspend payment of all or part of the fee  
34 unless it finds that the person does not have the ability to pay.

35 (3) When a minor has been adjudicated a juvenile offender or has  
36 entered into a diversion agreement for an offense which, if committed  
37 by an adult, would constitute a violation under this chapter or  
38 comparable county or municipal ordinances, the court shall assess the

1 fee as specified under subsection (1) of this section. The court may  
2 not suspend payment of all or part of the fee unless it finds that the  
3 minor does not have the ability to pay the fee.

4 (4) Any fee assessed under this section shall be collected by the  
5 clerk of the court and distributed each month to the state treasurer  
6 for deposit in the prostitution prevention and intervention account  
7 under RCW 43.63A.740 for the purpose of funding prostitution prevention  
8 and intervention activities.

9 (5) For the purposes of this section, "diversion agreement" means  
10 an agreement under RCW 13.40.080 or any written agreement between a  
11 person accused of an offense listed in subsection (1) of this section  
12 and a court or a county or city prosecutor, or a designee thereof,  
13 whereby the person agrees to fulfill certain conditions in lieu of  
14 prosecution.

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